

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
EASTERN DIVISION

UNITED STATES OF AMERICA ex rel.
TENNESSEE VALLEY AUTHORITY
Plaintiff

v.

EASEMENTS AND RIGHTS-OF-WAY
OVER 6 ACRES OF LAND, MORE OR
LESS, IN MADISON COUNTY,
TENNESSEE

STEAM MILL FERRY PARTNERS
WILLIAM JOBE ROBINSON, JR.
CHARLES C. EXUM, trustee
Defendants

Civil Action No. 1-00-1217

JUDGMENT AND ORDER DISBURSING FUNDS

This action was referred by this Court for mediation following the Sixth Circuit Court of Appeals' remand of this action for further findings and, if necessary, further evidence and new conclusions; and it appears to the Court, as evidenced by the signatures below, that Plaintiff and Defendant Steam Mill Ferry Partners have agreed to the resolution of this action as hereinafter provided. If further appears to the Court that (a) the other Defendants in this action (Defendants William Jobe Robinson, Jr., who had a lien on the property as of the date this action was filed, and Charles C. Exum,

who was trustee with respect to said lien) elected not to participate in this action and agreed that all further proceeds can be had and judgment entered herein without further notice to them (see the Report of Parties' Planning Meeting and Discovery Plan filed herein at 1-2); (b) Plaintiff has deposited in the registry of this Court in this action the sum of \$162,558.20, of which \$13,375.00 has been disbursed to Defendant Steam Mill Ferry Partners by prior order entered herein; and (c) the balance of said sum (\$149,183.20), has been invested by the Clerk of this Court in successive three-month certificates of deposit with First Tennessee Bank in Memphis, Tennessee, pursuant to the Investment Order entered herein on November 14, 2003, pending the final resolution of this action.

It is, therefore, Ordered and Adjudged that:

1. Defendant Steam Mill Ferry Partners shall recover from Plaintiff \$20,000 as full compensation for the taking of the easements and rights-of-way herein condemned.
2. The vesting of title in the United States of America, free of all liens, claims, and encumbrances, as evidenced by the Declaration of Taking filed herein on July 24, 2000, is hereby fully and finally confirmed with respect to the easements and rights-of-way described in Exhibit A attached

hereto, said Exhibit A being the same as Exhibit A to the Declaration of Taking filed herein.

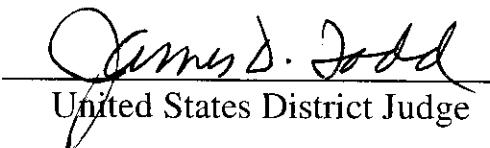
3. The Clerk of this Court is authorized and directed to
 - (a) close the current three-month certificate of deposit referred to above upon its maturity, (b) deposit the proceeds from said certificate of deposit, including all earned interest on the certificates of deposit, with the registry of this Court, and then (c) make the disbursements provided in paragraphs 4 and 5 below.

4. The Clerk of this Court shall draw a check on the funds deposited in the registry of this Court pursuant to paragraph 3 above in the amount of \$6,625 (said amount being the difference between the \$20,000 agreed upon compensation for the taking and the amount heretofore withdrawn by Defendant Steam Mill Ferry Partners) payable to Steam Mill Ferry Partners, and to mail said check to Richard W. Vaughn, Jr., Esq., Harris & Vaughn, P.O. Box 633, Milan, Tennessee 38358-0633.

5. The Clerk of this Court is authorized and directed to draw a check in the principal amount of \$142,558.20 plus the interest earned on the certificates of deposit less the Court's administrative fee of 10 percent of said interest, payable to Tennessee Valley Authority, and to mail said check to Edwin W. Small, Assistant General Counsel, Tennessee Valley Authority, 400 West Summit Hill Drive, Knoxville, Tennessee 37902-1401.

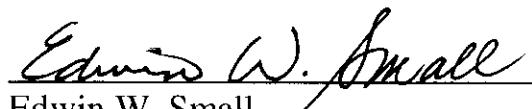
6. The Clerk of this Court shall furnish to Plaintiff a certified copy of this Judgment and Order Disbursing Funds which shall serve as a muniment of title.

This 21st day of November, 2005.



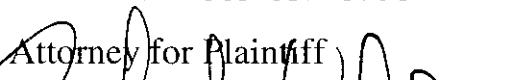
United States District Judge

We hereby approve and consent to the entry of this Judgment and Order:

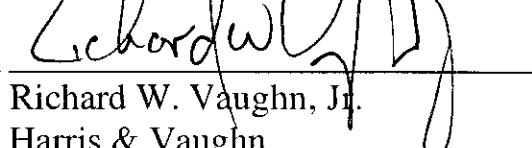


Edwin W. Small

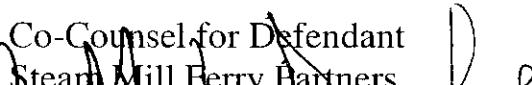
Assistant General Counsel
Tennessee Valley Authority
400 West Summit Hill Drive
Knoxville, Tennessee 37902-1401
Tennessee BPR No. 012347
Telephone 865-632-3021
Facsimile 865-632-6718



Attorney for Plaintiff



Richard W. Vaughn, Jr.
Harris & Vaughn
P.O. Box 633
Milan, Tennessee 38358-0633
Tennessee BPR No. 12481
Telephone 731-723-8899



Co-Counsel for Defendant
Steam Mill Ferry Partners

003747421

TRACT NOS. MWSJ-54B & -55A

Permanent easements and rights-of-way for electric power transmission purposes, consisting of the perpetual right to enter and to erect, maintain, repair, rebuild, operate, and patrol lines of transmission line structures with wires and cables for electric power circuits and communication circuits, and all necessary appurtenances, in, on, over, and across said rights-of-way, together with the right to clear said rights-of-way and keep the same clear of all trees, brush, buildings, and fire hazards, to destroy or otherwise dispose of such trees and brush, and to remove, destroy, or otherwise dispose of any trees located beyond the limits of said rights-of-way which in falling could come within five feet of any transmission line structure or conductor located thereon, the plaintiff to remain liable for any direct physical damage to the land, annual crops, fences, and roads resulting directly from the operations of the construction and maintenance forces of plaintiff in and about the erection and maintenance thereof, all upon, under, over, and across the following-described land:

TRACT NO. MWSJ-54B

A parcel of land located in the Tenth Civil District of Madison County, Tennessee, the location of which is shown on a map entitled "Madison West - South Jackson Transmission Line," drawing LW-8199, sheet P3, R.3, the portion thereof showing said parcel of land being attached to the declaration of taking filed herein, the said parcel being more particularly described as follows:

Beginning at a point, the said point being a plastic hub which is a common corner in the lands of Steam Mill Ferry Partners, Thomas Ray Jones, and Waring M. Hazlehurst, trustee, the said common corner being 7.54 feet left of the centerline of the transmission line location at survey station 518+99.32; thence leaving the said common corner and with the property line between Steam Mill Ferry Partners and Waring M. Hazlehurst, trustee, S. $87^{\circ} 30' 04''$ E., 282.10 feet to a point, the said point being an iron pin at the southeast property corner of Waring M. Hazlehurst, trustee, and being 21.34 feet left of the centerline of the location at survey station 521+81.09; thence continuing with the said property line N. $40^{\circ} 25' 30''$ W., 41.06 feet to a point on the north right-of-way line of the location, the said point being 50 feet left of the centerline of the location at survey station 521+51.69; thence leaving the said property line and with the said north right-of-way line of the location S. $84^{\circ} 41' 51''$ E., 356.66 feet to a point diametrically opposite an angle point in the

TRACT NOS. MWSJ-54B & -55A

centerline of the location at survey station 524+88.51; thence with the northeast right-of-way line of the location S. $41^{\circ} 24' 26''$ E., 741.54 feet to a point on a fence line and the property line between Steam Mill Ferry Partners and James Stewart, et ux.; thence leaving the said northeast right-of-way line of the location and with the said fence line and the said property line S. $02^{\circ} 35' 25''$ W., 143.96 feet, crossing the centerline of the location at survey station 532+62.0 (71.98 feet), to a point on the southwest right-of-way line of the location, the said point being N. $02^{\circ} 35' 25''$ E., 135.02 feet from a point which is an iron pin at the southwest property corner of James Stewart, et ux.; thence leaving the said fence line and the said property line and with the said southwest right-of-way line of the location N. $41^{\circ} 24' 26''$ W., 805.42 feet to a point diametrically opposite an angle point in the centerline of the location at survey station 524+88.51; thence with the south right-of-way line of the location N. $84^{\circ} 41' 51''$ W., 567.59 feet to a point on the property line between Steam Mill Ferry Partners and Thomas Ray Jones; thence leaving the said south right-of-way line of the location and with the said property line N. $03^{\circ} 33' 49''$ E., 57.56 feet, crossing the centerline of the location at survey station 518+99.5 (50.02 feet), to the point of beginning and containing 2.9 acres, more or less.

Furthermore, the permanent easement rights include the perpetual right to install, maintain, and replace guy wires and necessary appurtenances outside the right-of-way for the transmission line structure located at survey station 524+88.51.

TRACT NO. MWSJ-55A

A parcel of land located in the Tenth Civil District of Madison County, Tennessee, the location of which is shown on a map entitled "Madison West - South Jackson Transmission Line," drawing LW-8199, sheet P3, R.3, the portion thereof showing said parcel of land being attached to the declaration of taking filed herein, the said parcel being more particularly described as follows:

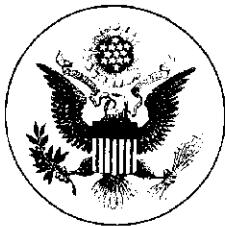
Beginning at a point where the centerline of the transmission line location crosses a fence line and the property line between Steam Mill Ferry Partners and James Stewart, et ux., at survey station 535+55.5, the said point being S. $86^{\circ} 15' 51''$ E., 204 feet from a point which is an iron pin at the southwest property corner of James Stewart, et ux.; thence leaving the centerline of the

TRACT NOS. MWSJ-54B & -55A

location and with the said fence line and the said property line S. 86° 15' 51" E., 147.06 feet to a point on the northeast right-of-way line of the location, the said point being 50 feet left of the centerline of the location at survey station 537+01.56; thence leaving the said fence line and the said property line and with the said northeast right-of-way line of the location S. 71° 51' 54" E., 1,279.86 feet to a point on the centerline of a road and the property line between Steam Mill Ferry Partners and Waring M. Hazlehurst, et ux., the said point being S. 59° 52' 39" W., 570.99 feet from a point which is a common corner in the lands of Steam Mill Ferry Partners, James Stewart, et ux., and Waring M. Hazlehurst, et ux., the said common corner being on the centerline of the said road; thence leaving the said northeast right-of-way line of the location and with the centerline of the said road and the said property line S. 59° 52' 39" W., 134.02 feet, crossing the centerline of the location at survey station 549+36.8 (67.01 feet), to a point on the southwest right-of-way line of the location; thence leaving the centerline of the said road and the said property line and with the said southwest right-of-way line of the location N. 71° 51' 54" W., 1,323.84 feet to a point diametrically opposite an angle point in the centerline of the location at survey station 535+81.96; thence continuing with the said southwest right-of-way line of the location N. 41° 24' 26" W., 90.36 feet to a point on the aforementioned fence line and property line between Steam Mill Ferry Partners and James Stewart, et ux.; thence leaving the said southwest right-of-way line of the location and with the said fence line and the said property line S. 86° 15' 51" E., 70.89 feet to the point of beginning and containing 3.1 acres, more or less.

Furthermore, the permanent easement rights include the perpetual right to install, maintain, and replace guy wires and necessary appurtenances outside the right-of-way for the transmission line structure located at survey station 535+81.96.

Reference information for recording: Defendant/landowner as of the date of the filing of the Declaration of Taking — Steam Mill Ferry Partners (Deed Book 579, page 365) (Tax map 99, parcel 125).



Notice of Distribution

This notice confirms a copy of the document docketed as number 97 in case 1:00-CV-01217 was distributed by fax, mail, or direct printing on November 30, 2005 to the parties listed.

C. Mark Donahoe
HARDEE MARTIN DAUSTER & DONAHOE
P.O. Box 98
Jackson, TN 38302

Richard W. Vaughn
HARRIS & VAUGHN
1089 West Van Hook St.
Milan, TN 38358

Edwin W. Small
TENNESSEE VALLEY AUTHORITY
400 W. Summit Hill Dr.
Knoxville, TN 37902--140

Kenneth D. Mielke
TENNESSEE VALLEY AUTHORITY
400 W. Summit Hill Dr.
Knoxville, TN 37902--140

Honorable James Todd
US DISTRICT COURT